

Policy for Maintaining Ethical Ministry with Minors

Section A. Standards of Conduct for Ministry with Minors

The following standards are intended to assist Members in making decisions about interactions with minors in Church sponsored and affiliated programs. They are also designed and intended to address interactions within families. A Member is responsible for maintaining these standards even when interacting outside of formal ministry.

A **Member** may be a professed religious of the Augustinian Province of our Mother of Good Counsel (the “Province”), a novice, or a pre-novitiate candidate.

A **minor** is anyone under the age of 18. For the purposes of this *Policy for Maintaining Ethical Ministry with Minors* (“*Policy*”), the term “minors” also includes adults who would be considered uniquely vulnerable to abuse because of physical or mental disabilities. Abuse and neglect of minors are contrary to the natural law, civil law, and the teachings of the Church and are prohibited. Members have a responsibility to protect minors from all forms of abuse and neglect.

In no way shall any of the following observations, instructions, or directives lessen the importance of maintaining the strict confidentiality of information learned pursuant to attorney-client privilege, shared under the Seal of the Sacrament of Reconciliation, or subject to other legal or canonical privilege.

1. Prohibited Behaviors

Members are prohibited from:

- a. Using, possessing, or being under the influence of illegal drugs while in the presence of minors.
- b. Consuming alcohol in excess or being intoxicated while supervising minors. A member may only consume alcohol in the presence of minors while at a meal or other social event or gathering where it is socially acceptable for a responsible adult to consume alcohol. At least two other adults must be present.
- c. Providing or allowing minors to consume alcohol or illegal drugs.
- d. Swearing or using vulgar or foul language in the presence of minors.
- e. Speaking to minors in a way that is or could be construed by a mature and objective observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating.
- f. Discussing sexual activities with minors unless it is a specific job requirement and the Member is trained to discuss these matters.
- g. Engaging in any sexually oriented conversations with minors unless the conversations are part of a legitimate lesson and discussion for minors regarding human sexuality issues. On such occasions, the lessons will convey to youth the Church's teachings on these topics. If youth have further questions not answered or addressed by their individual teachers they

should be referred to their parents or guardians for clarification or counseling.

- h. Being nude or immodestly dressed in the presence of minors.
- i. Possessing sexually oriented or morally inappropriate materials including but not limited to magazines, cards, videos, films, or clothing.
- j. Downloading, accessing, or viewing pornographic materials of any type, particularly child pornography.
- k. Sleeping in the same beds, sleeping bags, or small quarters with minors.
- l. Engaging in sexual contact with minors. For the purposes of this *Policy*, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse, or the touching of an erogenous zone of another for the purpose of sexually arousing or gratifying either person. For the purposes of this *Policy* an erogenous zone includes but is not limited to the thighs, genitals, buttocks, pubic region, or chest.

2. Off-site Events.

- a. Members are prohibited from transporting minors without written permission of their parent or guardian.
- b. Members are prohibited from unnecessary and/or inappropriate physical contact with minors while in vehicles.
- c. Minors should be transported directly to their destination. No unplanned stops should be made.
- d. Except in exigent circumstances Members are prohibited from being alone with minors in vehicles. If a Member is alone with minors in a vehicle the Member should be the only one seated in the front row of the vehicle.
- e. Members are prohibited from having minors stay at their residence. Requests for exceptions should be submitted to the Prior Provincial in writing two weeks prior to the visit.
- f. Changing and shower facilities or arrangements for Members must be separate from facilities or arrangements for minors.

3. Physical Contact.

- a. Members are prohibited from using physical discipline in any way for behavior management of minors. No form of physical discipline is acceptable, except insofar as restraint may be necessary to prevent minors from inflicting harm on themselves or others. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviors by minors.
- b. Appropriate affection between Members and minors constitutes a positive part of Church life and ministry. The following signs of affection may be regarded, under the appropriate circumstances when used with all necessary good judgment, as appropriate for Members in ministry roles with minors:
 - i. Hugs;
 - ii. Pats on the shoulder or back;
 - iii. Hand-shakes;
 - iv. "High-fives" and hand slaps;

- v. Verbal praise;
 - vi. Touching hands, faces, shoulders, and arms of minors;
 - vii. Arms around shoulders;
 - viii. Holding hands while walking with small children;
 - ix. Sitting beside small children;
 - x. Kneeling or bending down for hugs with small children;
 - xi. Holding hands during prayer; and
 - xii. Pats on the head when culturally appropriate. (For example, this gesture should typically be avoided in some Asian communities).
- c. Appropriate physical contact happens within the context of a relationship. No physical contact, even those listed above, should be made if it makes the minor feel uncomfortable in any way.
- d. Some forms of physical affection have been used by adults to initiate inappropriate contact with minors. In order to maintain the safest possible environment for minors, the following are examples of inappropriate signs of affection that are not to be used by Members with minors:
- i. Inappropriate or lengthy embraces;
 - ii. Kissing on the mouth;
 - iii. Holding minors over four years old on the lap;
 - iv. Touching buttocks, chests, or genital areas;
 - v. Showing affection in isolated areas such as bedrooms, closets, staff-only areas, or other private rooms;
 - vi. Being in bed with a minor;
 - vii. Touching knees or legs of minors;
 - viii. Wrestling with minors;
 - ix. Tickling minors;
 - x. Piggyback rides;
 - xi. Any type of massage given by a minor to an adult;
 - xii. Any type of massage given by an adult to a minor;
 - xiii. Any form of unwanted affection; and
 - xiv. Compliments that relate to physique or body development.

4. Training for Members who Work with Minors

- a. Members shall review this *Policy* and agree in writing to comply with the *Policy*.
- b. Members who work with minors must participate in training that addresses their role in protecting minors.

5. Supervision of Programs that Involve Minors

- a. Ministry and professional obligations may require a Member to be alone with minors. In those situations, a Member must follow appropriate local and professional guidelines for the situation, as well as this *Policy*. However, where possible, programs for minors in which Members are involved must be supervised by at least two adults.

- b. Members in leadership roles shall be aware of all programs for minors that are sponsored by their parish, school, or agency. A list of these programs shall be maintained and include activities, purpose, sponsors or coordinators of the programs, meeting times, and locations. Leaders shall examine these programs and consider whether there is adequate supervision.

6. Interaction with Minors Via Digital Media

- a. Should individual contact with a minor via digital media become necessary in the ministerial setting, the Member will follow the policy of the pastoral employer regarding digital interaction with minors. If the requirements of this *Policy* and a pastoral employer's policy contradict each other the Member must follow the stricter of the two requirements. If the pastoral employer does not have a policy regarding digital interaction with minors the Member will adhere to this *Policy*.
- b. Members must have written permission from a minor's parent or guardian before contacting the minor via text message, email, social media site, telephone, or other means of electronic or digital communication, or before posting pictures, video, or other information that may identify that minor.
- c. Parents or guardians must have access to everything provided to their children. For example, parents or guardians must be made aware of how social media is being used, be told how to access the sites, and be copied on all material sent to their children via social networking, including text messages and emails.
- d. If a Member receives an unsolicited private electronic or digital communication from a minor the Member will alert a superior about the private communication and forward the communication. Members must not respond to the minor except to state that any one-to-one electronic or digital communications are prohibited by the Province. If the minor reveals abuse or inappropriate interactions with an adult, the Member must report this information, pursuant to the requirements of this *Policy*.

7. Minors Who Are Family Members of a Member of the Province

There is more latitude allowed for travel and lodging arrangements, electronic or digital communication, and expressions of affection with minors who are members of one's family. These actions typically take place outside of a ministerial context and appropriateness can be guided by family customs and culture.

8. Acceptance Into Pre-Novitiate and Novitiate and Formation of Brothers who have Professed Simple Vows and Candidates and Novices

- a. Individuals who wish to join the Province shall be required, prior to acceptance into the novitiate, to:
 - i. Provide personal information and history so as to allow for a criminal background check, including specific screening for the sexual abuse of minors. The background check must include every state/county that the candidate has resided in for at least the last seven years, and a completed national sex offender registry check. Criminal background checks for individuals from outside the United States will be conducted to the best ability of the Province;

- ii. Provide the Province with three (3) documented personal references, including at least one from a family member;
 - iii. Provide the Province with two (2) professional references;
 - iv. Submit to face to face interviews with at least two different Members of the Province; and
 - v. Participate in a psychological evaluation, including the taking of a psycho-sexual history, by an appropriate licensed psychologist with skills in conducting psycho-sexual histories and in assessing psycho-sexual health in preparation for a life that includes celibate chastity. The candidate must allow the Psychologist to discuss the findings of the evaluation with the initial formation Director.
- b. Requirements (a)(i-iv) must be completed prior to involvement in any public ministry as a candidate of the Province as part of a pre-novitiate.
 - c. The requirements of (a)(i-v) must be met prior to entry into the Novitiate.
 - d. The information obtained through (a)(i-v) will be used to specifically screen individuals for a history of sexually abusing or violating the boundaries of minors.
 - e. The Province will review all publicly accessible content on all social media, personal blog sites, and web sites associated with accounts controlled by the individual seeking acceptance.
 - f. Because the cultural values of the United States are not universal values assessment of an individual from a different cultural background will include evaluation of the individual's ability to adapt to the cultural requirements of ministry in the United States.
 - g. An individual cannot be permitted to begin a pre-novitiate if he:
 - i. Has an established allegation of sexually abusing a minor¹; or
 - ii. Has acquired or intentionally viewed child pornography.
 - h. A Member who has taken temporary vows or a candidate or a novice cannot be allowed to continue in formation if he:
 - i. Is unable to maintain appropriate boundaries with minors despite guidelines and instruction;
 - ii. Sexually abuses a minor or acquires or intentionally views child pornography while in formation; or
 - iii. Is discovered to have sexually abused a minor or acquired or intentionally viewed child pornography prior to his acceptance into the pre-novitiate.
 - i. Vocation Directors and Formation Directors shall receive adequate training to identify individuals who may be at risk for sexually abusing a minor.

¹ An allegation is established when, based upon the facts and the circumstances, there is objective certainty that the accusation is true and that an incident of sexual abuse has occurred (*Praesidium Instruments of Hope and Healing Standards for Accreditation* ("Standards"), Glossary of Terms). The *Standards* add an explanatory note to this term: "Established Allegation is not based upon a "preponderance of the evidence," i.e. more likely to be true than not, which may be established by 51% or more of the evidence. Established Allegation is in keeping with the canonical standard of "moral certitude" which states that the major superior recognizes that the contrary (that the allegation is false) may be possible, but is highly unlikely or so improbable, that the major superior has no substantive fear that the allegation is false."

- j. Formation programs will assist Members who have taken simple vows and candidates and novices in their ongoing growth toward mature, integrated sexuality as part of their formation for celibate chastity. They will be encouraged to identify and address challenges to maintaining celibate chastity and healthy intimate relationships.
- k. All candidates and novices who have not already done so will participate in at least one educational program, which will include information on the following topics:
 - i. Self-protection from false allegations of sexual abuse, including what to do when a Member is concerned about being falsely accused;
 - ii. Preferential and situational type sexual offenders. Materials will be provided stating warning signs associated with both types of offenders;
 - iii. Child pornography, including its nature as a criminal offense and an offense considered under the USCCB document, *Charter for the Protection of Children and Young People* (“*Charter*”);
 - iv. Abuse of vulnerable adults, including its nature as an offense considered under the *Charter*; and
 - v. How to make a report of known or suspected abuse of a victim who is currently a minor to the appropriate civil authorities under the child abuse reporting laws of the jurisdiction where the Member is assigned.

9. Systems of Support and Accountability

- a. The Province will identify and utilize systems of support and accountability for its Members. The Prior Provincial will be able to describe these systems and demonstrate ongoing adherence to them.
- b. The Prior Provincial will annually meet with each Member in the Province.
- c. For Members who are employed in any organization or in public ministry outside of the specific ministries of the Province, the Province will communicate annually with the appropriate authority of the organization, will document the communication in some form, and will provide the identity and contact information of the Prior Provincial to the appropriate authority. This communication may be by letter, telephone, email, fax, or in person.
- d. The Province will maintain a list of Members who are living outside of the specific community structure of the Province. An individualized system of support and accountability will be implemented for each such Member. If it is not possible to implement such systems the Member will resume living within the community structure of the Province.
- e. If a Member living outside the specific community structure of the Province will not conform to an individual system of support and accountability, or resume living within that structure, the Prior Provincial will use canonical procedures to encourage the Member to resume living within that structure or in conformity with an individual system of support and accountability. The Prior Provincial may consider restrictions on the Member’s lifestyle, limitations on financial support, limitations on the Member’s ministry, and penalties in accord with the norm of law, including dismissal.
- f. When a member of another religious institute begins his candidacy to become a Member of the Province, the member becomes subject to the Prior Provincial and is required to

adhere to this *Policy* and the Province's systems of support and accountability.

- g. Religious from other orders or institutes, Augustinians from outside the Province, or diocesan clergy, who are residing in a house or community of the Province will follow the same protocol on support and accountability as members of the Province.

Section B. Reporting Procedures for Reporting Abuse of Minors and Boundary Violations

1. Reporting of Sexual Abuse

- a. Any Member shall report known or suspected abuse by a Member or non-Member of a victim who is still a minor to civil authorities regardless of state mandatory reporting laws.
- b. In addition to reporting to the civil authorities, Members shall report any suspected or known abuse of minors that may have been perpetrated by Members to the Prior Provincial.²
- c. The Prior Provincial will report known or suspected sexual abuse of an individual who is currently a minor to the appropriate civil authority in the state where the abuse is alleged to have occurred, whether or not required by state law, informing any Member who reports the abuse that he will convey the report to the appropriate civil authority. The Prior Provincial may delegate a Member or employee of the Province to act on his behalf in making any report required pursuant to this Section B.
- d. The Prior Provincial will report known or suspected sexual abuse by a living current or former Member when the victim is no longer a minor, only as obligated by the civil laws of the state where the abuse allegedly occurred. The Prior Provincial will advise victims who are no longer minors of their right to make a report to civil authorities and will encourage them to do so.
- e. A Member should inform the Prior Provincial if he believes another Member exhibits warning signs of unhealthy boundaries or relationships with minors. Warning signs in themselves may not constitute reasonable belief that sexual abuse has occurred. The Prior Provincial is responsible for appropriate follow-up to such concerns.
- f. In the event that an allegation concerns a member of another religious order, or a diocesan priest or deacon residing in a community of the Province, the Prior Provincial will inform the person's superior and, if requested, assist the superior in the investigation of the allegation and in responding to the person making the allegation.

2. Reporting Related to Child Pornography

- a. Child pornography is a graphic sexually explicit depiction of a minor and the possession, distribution, downloading, and/or intentional viewing of child pornography is considered sexual abuse of a minor.
- b. A Member must report the known or suspected possession, distribution, downloading, and/or intentional viewing of child pornography by a Member to the Prior Provincial.
- c. A Member shall report the possession, distribution, downloading, and/or intentional

² If a report regarding the Prior Provincial must be made pursuant to Section B of this *Policy* that report shall be made to the Prior General.

viewing of child pornography to the appropriate civil authority in the state where the activity is alleged to have occurred in compliance with current state law and with Praesidium’s *Instruments of Hope and Healing Standards for Accreditation* (“Standards”).

Reporting Abuse – Resource Guide

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| Diocese of Tulsa | |
| Pastoral Response Hotline | 918.307.4970 |
| Director of Child & Youth Protection | 918.307.4919 |
| Director of Human Services (DHS) Statewide Hotline | 800.522.3511 |
| | |
| Diocese of Gary (Crown Point) | |
| The Bishops Delegate for Sexual Misconduct | 219.769.9292 x224 |
| Victims Assistance Coord. | 219.838.8001 |
| Indiana DCFS | 800.800.5556 |
| | |
| Diocese of Joliet | |
| Director of Office of Child & Youth Protection | 815.221.6116 |
| Illinois DCFS | 800.252.2873 |
| | |
| Archdiocese of Chicago – | |
| Office for the Protection of Children & Youth | 312.534.5205 |
| | 800.994.6200 |
| Illinois DCFS | 800.252.2873 |

Section C. Responding to Incidents and Allegations of Sexual Abuse

Allegations of sexual abuse may come from a variety of sources, including alleged victims or their family members, diocesan offices, members of the community, a colleague in the workplace or from an alleged perpetrator. Because each case is distinct, the nature of the allegation, the needs of the alleged victim, and the circumstances of the accused Member will be unique in every case. In every case, the Province commits itself to dealing pastorally with, and protecting the rights of, all those involved. The Prior Provincial may delegate a Member or employee of the Province to carry out any of the duties of the Prior Provincial described in this Section C.

1. Pastoral Response to the Alleged Victim

- a. When the Province receives an allegation of sexual abuse against a current, former, or deceased Member, an individual other than the Prior Provincial will provide the alleged victim with an explanation of the procedures the Province typically follows in responding to allegations.
- b. The Province will respond pastorally to the alleged victim by offering counseling services through a provider agreed to and paid for by the Province.
- c. All Members will be provided with a basic procedure for responding pastorally to an allegation of abuse, so that they will understand how to pastorally respond to an individual who alleges sexual abuse, and so they will be able to treat that individual with respect and dignity.

- d. When the Province first learns about an allegation of abuse the Prior Provincial will determine whether to make an offer to meet with the alleged victim. If the Province first learns about an allegation as a result of legal proceedings, and the alleged victim is represented by legal counsel, any such offer would be delivered through the alleged victim's legal counsel.

2. Communication with the Accused Member

- a. The Prior Provincial will notify the accused Member of the allegation and its substantial details.
- b. The Prior Provincial will inform the Member whether the allegation will be reported to civil authorities.
- c. The Prior Provincial will inform the accused Member that the conversation regarding the allegation is not privileged and inform the Member of his right to seek canonical and civil counsel before explaining the allegation.
- d. The Prior Provincial will inform the Member that the Province will fund legal counsel for the accused if the Member agrees to select counsel approved by the Province.
- e. The Prior Provincial will request that the Member choose a support person and that the Member inform the Prior Provincial who this support person is.

3. Notification of Others

- a. The Prior Provincial shall communicate the allegation to the bishop where the alleged abuse occurred, and where the accused Member currently resides, as appropriate.
- b. The Prior Provincial shall communicate the allegation to the employer of the place where the alleged abuse took place and where the Member is currently employed, as appropriate.

4. Investigation

- a. When an allegation of abuse against a current, former, or deceased Member is first received, the Prior Provincial shall attempt to gather sufficient information to determine if there is a semblance of truth to the allegation. This information would include the following:
 - i. Name of the alleged victim;
 - ii. Age of the alleged victim;
 - iii. Address and phone number of the alleged victim;
 - iv. Name of the alleged perpetrator;
 - v. Approximate dates of the alleged abuse;
 - vi. Nature, type, and location of the alleged abuse; and
 - vii. Any additional relevant details.
- b. If there is a semblance of truth to an allegation against a current Member the Member will be removed from ministry and have no access to minors until a full investigation can be completed.
- c. If the Member denies the allegation or aspects of the allegation then the allegation will be investigated to the extent possible, even if the allegation is anonymous.

- d. The Prior Provincial will designate a trained investigator to independently gather information regarding the allegations and produce a confidential written report.
- e. The Prior Provincial will maintain contact with the accused Member throughout the investigation.
- f. When he has received the completed investigation report, the Prior Provincial will present the results of the investigation to the Member for response.
- g. The Prior Provincial will forward the following information to the Review Board in a timely manner:
 - i. The original report or allegation which was submitted to the Province;
 - ii. The final report from the investigation;
 - iii. Any other allegations involving the Member; and
 - iv. Any relevant disciplinary actions taken with regard to the Member with an explanation of the reasons for such disciplinary actions.
- h. The Province will cooperate fully with investigations by civil authorities. The Province's own investigation will be suspended during any civil investigation, unless after consultation with civil authorities it is determined that the continuation of the Province's independent investigation will not impede the civil or criminal investigation and the civil authorities do not object to the continuation of this investigation.

5. When an Allegation is Established

- a. The Prior Provincial will communicate his decision in writing to the Member and indicate further steps to be taken in the matter.
- b. The Prior Provincial will communicate with the diocesan bishops where the alleged abuse took place and where the Member currently resides, as appropriate.
- c. If the Member is relocated to another diocese the diocesan bishop will be informed.
- d. The Member will not be permitted to work in any ecclesiastical ministry, meaning any ministry under the authority of the diocesan bishop.
- e. A Member would not be allowed to use the title Father, Reverend, or Brother in public, or wear clerical attire.
- f. The Member, within the community, as allowed by Canon Law, would be permitted to celebrate the Eucharist only with Members present, lead community prayer, hear confessions of Members only, and perform community jobs and other responsibilities.
- g. The Member would not be allowed to serve as Prior or in any elected office of the Province or a local community.

6. When an Allegation is Not Established

Should an allegation not be established, the Prior Provincial will:

- a. Reinstate the accused Member to ministry and work towards the restoration of his good name;
- b. Issue a canonical decree to this effect;
- c. Inform the employer of the place where the alleged abuse took place and where the

- Member is currently employed that no allegation was established; and
- d. Inform the bishop where the alleged abuse occurred and where the Member currently resides that no allegation was established.

7. Administrative Recourse

At all times, a Member against whom an allegation has been made has a right to administrative recourse, according to the norms of canon law.

Section D. Safety Plans

1. Creation and Implementation of Safety Plan

- a. The Province will maintain a written individualized Safety Plan to guide the supervision of any Member against whom an allegation of sexual abuse of a minor has been established.
- b. All Members who have an established allegation of sexual abuse of a minor, including those who are in residential treatment centers or who are on parole or probation, are required to have a Safety Plan.
- c. The Province must determine the level of risk for each of the Members who have an established allegation of the sexual abuse of a minor and are on a Safety Plan. The level of risk should be determined either through a professional risk assessment or through a review of behaviorally-based indicators.
- d. After consultation with the Review Board and others, as appropriate, the Prior Provincial will draw up a Safety Plan for each Member who has an established allegation.
- e. The Province will implement the Safety Plan and the Province will make every reasonable effort to ensure that the Member understands the consequences for non-compliance with the Safety Plan.

2. Contents of Safety Plan

The Safety Plan must include the following:

- a. A summary of the problem behaviors, which at a minimum will detail the number, age, and gender of the victim(s);
- b. Information about how the Member spends the majority of his time;
- c. Any applicable sex offender registry requirements, including parole and probation;
- d. Documentation of appropriate work for the Member, including his specific assignment;
- e. A summary of the Member's risk assessment and risk reduction strategies, including;
 - i. Limitations on the Member's access to minors and how any such access is supervised;
 - ii. Association with friends and family, including how to ensure that any resulting access to minors is supervised;
 - iii. Monitoring the Member's access to and use of electronic communications, including email, text messaging, telephone calls, social media, and internet access to ensure that appropriate boundaries are maintained at all times; and
 - iv. Issues of financial accountability;

- f. The supervisor responsible for the implementation of each of the risk reduction strategies;
- g. Consequences for non-compliance with the Safety Plan; and
- h. Dates on which the Safety Plan has been reviewed by the Review Board.

3. Sharing Information Contained in Safety Plan

The Prior Provincial will seek the advice of **legal counsel** before sharing any confidential information in the Safety Plan, including information regarding:

- a. The history and nature of the Member's problem behaviors;
- b. The Member's risk assessment; and
- c. Risk reduction strategies.

4. Signing of Safety Plan

The Safety Plan must be signed by the Prior Provincial and at least one supervisor of the Member. The Member will be requested but cannot be required to sign the Safety Plan.

5. High Risk Offenders

Within thirty (30) days of implementation, the accrediting agency must be informed of a new Safety Plan for a Member who is determined to be a "High Risk" offender.

6. Member's Place of Residence

A Member who has a Safety Plan will live only in a community of the Province or other appropriate supervised place of residence, as determined by the Prior Provincial. No separate apartment, private home, or other domicile will be allowed as a permanent residence for the Member.

7. A supervisor of a Member who has a safety plan will:

- a. Receive written guidelines regarding their role and procedures for supervision, including how to respond if the Member violates his Safety Plan.
- b. Be provided with written instructions regarding documentation that must be maintained to verify compliance.
- c. Be provided with training regarding their responsibilities.
- d. Not have physical or emotional disabilities that prohibit their fulfillment of the function of supervision.
- e. Be a qualified Member, employee or contractor of the Province.
- f. Not have other assignments that interfere with his responsibility of supervision if the supervisor is a Member.
- g. Receive all pertinent information needed to properly supervise (known in the external forum by the Prior Provincial and not otherwise confidential or protected by privilege).

8. Community Support and Community Roles

- a. Member communities should welcome the Member with a Safety Plan as a brother.
- b. Upon the recommendation of the Prior Provincial, the local superior shall, as appropriate, inform all or part of the community in which a Member with a Safety Plan shall live of the fact that the Member has a Safety Plan and the appropriate specific terms of his Safety Plan, so that the community can assist him in achieving its goals.
- c. Communities may need the advice and consultation of appropriate professionals to assist the community in readying itself to receive the Member and to provide for him the necessary care and support.

9. Publications and Publicity

- a. Restrictions on publications, letters to the editor, and radio and television appearances may be appropriate for a Member who has a Safety Plan.
- b. Sensitivity for victims would dictate caution with regard to photographs of Members with Safety Plans displayed in Province publications and institutions, especially those in service to minors.

Section E. Review Board

1. Purpose

- a. The Prior Provincial, with the approval of the Province Council, has established a Province Review Board for the purpose of providing advice to the Prior Provincial on the implementation and administration of this *Policy*. The Review Board functions as a confidential consultative body, under the aegis of the Province's chosen civil legal counsel for purposes of consultation with the Province, advising the Prior Provincial in making decisions regarding assessment of credible allegations, as well as appropriate treatment, placement, and work of Members against whom a credible allegation of sexual abuse of a minor has been made.
- b. In making his decisions, the Prior Provincial takes into consideration the perspectives and viewpoints of the members of the Review Board and attends to their professional advice and recommendations.
- c. The Review Board exists solely to provide such advice and has no independent power or authority to replace, supplant, or in any way diminish the Prior Provincial's authority and responsibility regarding the determination of the appropriateness of a Member's work, treatment, or placement within the Province.
- d. The policies and procedures of the Review Board are established in recognition of and in compliance with 1) the requirements of canon law, 2) the United States Conference of Catholic Bishops' *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 3) the *Praesidium Standards*, and 4) this *Policy*.
- e. The Review Board does not conduct or participate in the investigation of an allegation of sexual abuse of a minor.

2. Responsibilities

In fulfilling its mission to provide him with advice and counsel, the Review Board provides to the Prior Provincial consultation regarding:

- a. Whether an allegation of sexual abuse of a minor that is brought against a Member of the Province is established³;
- b. The disposition of any case where an allegation of sexual abuse against a Member cannot be investigated or established;
- c. The reporting of allegations to civil authorities, when appropriate, if the reporting of the allegation is not required by law;
- d. The action to be taken when a Member has repeatedly violated the boundaries of a minor, including but not limited to when a minor is known to be in danger as a result of such a violation;
- e. The kinds of work and other activities that are suitable for a Member with an established allegation of sexual abuse of a minor;
- f. Safety Plans, including:
 - i. The initial review of a Safety Plan;
 - ii. The annual review of a Member's compliance with, response to, or violation of his Safety Plan;
 - iii. Adjustments to the Safety Plan of a Member whose behavior changes significantly; and
 - iv. Adjustments to the Safety Plan of a Member against whom a new allegation surfaces; and
- g. Review of this *Policy* and any other policies and procedures established by the Province regarding the prevention of or the response to the sexual abuse of minors.

3. Composition of Review Board

- a. The Review Board shall consist of at least five members, including at least one Member of the Province and other individuals who are not Members. No more than two Members of the Province may be members of the Review Board.
- a. The Review Board shall include an individual who has particular expertise in the treatment of the sexual abuse of minors.
- b. At least five of the Review Board members must be Catholic.
- c. While it may occasionally be acceptable for a Review Board member to also be an employee of the Province, it is preferable for the Review Board members not to be employees of the Province. At no time may the majority of Review Board Members be employed by the Province.

³ In order to assist the Review Board in fulfilling this aspect of its mission Review Board members will, at a minimum, be provided with the following when they are asked to consider an allegation of sexual abuse:

- A. The original report or allegation of sexual abuse of a minor by a Member that was provided to the Province;
- B. The final report of the investigation into that allegation;
- C. Information regarding all other allegations of sexual abuse against that Member; and
- D. Information regarding any relevant disciplinary actions ever taken in regard to the Member, and the reasons for those actions.

4. Appointment of Review Board Members

The Prior Provincial shall appoint members of the Review Board through legal counsel, with the consent of the Province Council, and after consultation with the members of the Review Board and other advisors, as appropriate.

5. Removal of Members

A member of the Review Board may be removed at the discretion of the Prior Provincial after consultation with the Chairperson of the Review Board and. Members shall be removed by a letter of removal signed by the Prior Provincial.

6. Terms of Members

- a. Review Board members shall serve a term of three years. Terms are renewable.
- b. It is preferable for the Review Board to have no more than two new Review Board members in one year. When possible, terms should be staggered to provide continuity for the Board.
- c. Vacancies created by the departure of Review Board members during their term shall be filled by appointment by the Prior Provincial. Review Board members appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the unfinished term and may then be reappointed to a full term at the discretion of the Prior Provincial.

7. Education of Members

All members of the Review Board will take part in initial and on-going training provided or recommended by the Province.

8. Officers

The Review Board members shall elect a Chairperson and Secretary who shall serve for terms of one year and may be re-elected at the will of the Review Board. The Chairperson will preside at Review Board Meetings. If the Chairperson is not present at a meeting of the Review Board a majority of the Review Board members who are present will select a member to preside.

9. Privilege and Confidentiality

- a. Each member of the Review Board is bound by privilege in all the Board's actions and deliberations, including any documents or testimonies it reviews or considers.
- b. The files of the Review Board are the property of the Province. The Prior Provincial and the Chairperson shall have access to the Review Board's files. The Review Board's files shall be stored in a locked location designated by the Prior Provincial. If a Review Board member needs to review any materials in order to carry out his or her role as a member of the Review Board, the member shall contact the Prior Provincial or Chairperson and make arrangements to review the necessary materials. The requested materials should not be copied or retained by the member, and shall be returned to the file upon the completion of the review.
- c. Upon appointment to the Review Board a member shall sign a Certification stating that he

or she will not retain Board materials, outside of the agenda and minutes, beyond the conclusion of a Review Board meeting. Additionally, the member shall not retain any Review Board materials after the conclusion of his or her service on the Review Board. A copy of each member's Certification will be maintained in the Review Board files. (See Exhibit A, Certification).

- d. The Prior Provincial and the Review Board shall respect the right to confidentiality and privacy of a Member as recognized in civil and canon law, especially with regard to access to documents or statements governed by principles of attorney-client privilege or physician-patient privilege, and other materials for which written release is required.
- e. The identity of an individual involved in a matter before the Review Board, including a Member, shall be excluded from the minutes and the annual report of the Board.

10. Annual Meetings

- a. The Review Board shall hold an annual meeting to review the Safety Plans of Members and the policies and procedures established by the Province for the protection of minors.
- b. The Chairperson shall arrange this meeting in consultation with the Prior Provincial, so that the Prior Provincial, all Members with Safety Plans, and all supervisors of Members with Safety Plan receive timely notice of this meeting and so that all Members with Safety Plans and their supervisors are able to submit information for consideration and requests for modifications of Safety Plans.
- c. At the annual meeting the Prior Provincial will report to the Review Board regarding each Member who has a Safety Plan. The report will include the Member's overall response to the Safety Plan and information about all violations of the Safety Plan.

11. Other Meetings

The Prior Provincial shall call a meeting of the Review Board:

- a. If he proposes to change the work assignment or Safety Plan of a Member at times other than the annual meeting;
- b. When the investigation into an allegation of sexual abuse is complete;
- c. When a new Safety Plan is proposed for a Member; or
- d. For other reasons as needed.

12. Operating procedures Regarding Meetings

- a. The Review Board may meet in person, by telephone, or by other electronic means.
- b. An absolute majority of members of the Review Board must be present in person or by voice communication for a meeting to make a recommendation to the Prior Provincial.
- c. All sessions of the Review Board shall be in closed session unless in a particular instance the Chairperson requests otherwise and the Prior Provincial concurs.
- d. The date on which a Review Board reviews a Safety Plan must be recorded in the Safety Plan.
- e. Subject to the approval of the Prior Provincial, the members of the Review Board may establish procedures to regulate their meetings and internal matters.

13. Recommendations

- a. All recommendations of the Review Board shall be made to the Prior Provincial.
- b. The recommendations of the Review Board to the Prior Provincial shall be documented.
- c. The Prior Provincial shall inform the Review Board about his decision regarding the recommendations.

14. Communications

- a. In order to help protect the privileged nature of the matters reviewed and discussed by the Review Board, agendas and minutes should be provided in hard copy only.
- b. Electronic communications concerning matters under the purview of the Review Board shall be limited to the scheduling of meetings and exigent circumstances. Those electronic communications that are exchanged shall be immediately deleted.
- c. Should any member's electronic communications regarding Review Board business be inadvertently sent to or intercepted by a third-party with no right to access the information, that member shall notify the Chairperson and the Prior Provincial of the subject disclosure immediately after it is discovered. The Chairperson and the Prior Provincial will work with the member to make every effort to ameliorate any damage that may have occurred as a result of the disclosure.
- d. The Secretary shall forward a complete copy of the agenda, minutes, and other documents for that meeting to the legal counsel at the time such documents are published.

15. Reporting

Each Review Board member is required to report any case of sexual abuse in accord with this *Policy* and civil law. Review Board members need not report matters which have already been reported.

16. Media

Because of the privileged nature of the information provided to them, Review Board members may not respond to media or any other inquiries.

17. Conflicts of interest

- a. Any Review Board member who is related by blood or marriage to, in any kind of employment, financial, or business relationship with, in any kind of professional or spiritual counseling relationship with, or who would have any other conflict of interest or the appearance of a conflict of interest with the alleged victim or the accused Member, shall inform the Chairperson of the conflict and recuse himself or herself from all deliberations concerning the particular matter in question.
- b. If a member does not recuse himself or herself because of a conflict of interest, a majority of the other members present may require the member to recuse himself or herself.
- c. Any Review Board member who determines that he or she has a conflict of interest or

the appearance of a conflict of interest with the Province itself or with the work of the Review Board, shall inform the Prior Provincial and the Chairperson of the conflict and shall resign from the Review Board.

18. Payment and Reimbursement

The Province shall reimburse all Review Board members for reasonable expenses incurred in attending meetings of the Review Board or in otherwise performing their duties as members of the Review Board.

19. Indemnification

The Province shall indemnify any member of the Review Board who is made or threatened to be made a party to a proceeding by reason of the former or present official capacity of the person as a member of the Review Board against judgments and reasonable expenses, including attorney's fees, incurred by the person in connection with the proceeding, if, with respect to the acts or omissions of the person complained of in the proceeding, the person acted in good faith, received no improper personal benefit, or in the case of a criminal proceeding, did not have reasonable cause to believe the conduct was unlawful, and reasonably believed that the conduct was not opposed to the best interests of the Province.

Section F. Communication

1. The Prior Provincial, in consultation with the Review Board, will determine whether and/or how to inform the Province Membership in general terms of those Members who have been restricted.
2. The Prior Provincial, in consultation with the Review Board, will determine whether and/or how to inform others who may have a need to know in general terms of those Members who have been restricted.

Section G. Documents

1. Documents Related to Allegations
 - a. The Province must document all allegations of abuse by a Member and a timely, compassionate, and pastoral response to all individuals who allege abuse by a Member.
 - b. The Province will document any circumstances that make it impossible for a meeting with an alleged victim to occur, or for the offer of such a meeting to be made. The Province will document any form of pastoral assistance offered pursuant to this *Policy*.
 - c. The Province will document that all allegations and reports of abuse of minors have been investigated and presented to the Review Board. If an investigation was not possible or necessary in response to an allegation the reason will be documented.
 - d. When an allegation against a Member is not established following an investigation the Province will document the efforts to restore the good name of the Member.

2. Documents Related to Safety Plans

- a. The Province will document a Member's refusal to sign his Safety Plan.
- b. The Province will document compliance with Safety Plans.

3. Annual Communications

- a. The Province will document the occurrence of the Prior Provincial's annual visit with each Member in the Province.
- b. The Province will document the Prior Provincial's annual communication with the appropriate authority of any organization outside of the Province that employs a Member.

4. Confidential and Privileged Documents

- a. The Province may not release to a third party, including an investigator and the Review Board, without the written consent of the Member, any materials, protected by attorney-client privilege or another legally recognized privilege, including but not limited to:
 - i. Medical records;
 - ii. Psychological records;
 - iii. Legal documents provided by the Member; and
 - iv. Notes or written records of conversations with the Member regarding matters of canonical privacy.
- b. All documents concerning an allegation of sexual abuse by a Member are maintained in a confidential file to which the Prior Provincial controls access.
- c. A notation is placed in the personnel file of the Member noting that such a confidential file exists. The notation should indicate whether or not sexual abuse by the Member was established.
- d. If a Member has a Safety Plan, the complete Safety Plan is kept in the confidential file. Additionally, a copy of only that portion of the Safety Plan specifying the supervisor, the consequences of non-compliance, and the duration is kept in the personnel file of the Member.
- e. In the event that a different person assumes the role of supervisor, the previous supervisor returns to the Prior Provincial the copy of the complete Safety Plan and any other materials that had been provided to him by the Prior Provincial.

In signing this *Policy* for Maintaining Ethical Ministry with Minors I am indicating that I have read and understood this *Policy*.

Printed Name of Member

Signature of Member

Date

EXHIBIT A

CERTIFICATION

I hereby certify that all materials received and/or reviewed pursuant to my duties as a member of the Province of Our Mother of Good Counsel of the Augustinian Order Review Board will be kept privileged. Recognizing the privileged nature of these materials, I swear that I will return all materials, except the Review Board's governing documents and a copy of the agenda and minutes, to the Chairperson of the Review Board at the conclusion of each meeting. Upon the conclusion of my term on the Review Board, I will not retain any materials received or created pursuant to my position on the Review Board.

Signature _____

Date _____

Printed Name _____